2010-13

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 148

TUESDAY, 18 JUNE 2013

Contents

1 Meeting of Senate ............................................................................................................. 4041
2 Government Documents ................................................................................................ 4041
3 Hours of Meeting and Routine of Business—Variation ................................................ 4041
4 Environment Protection and Biodiversity Conservation Amendment
   Bill 2013 ........................................................................................................................ 4044
5 Questions ........................................................................................................................ 4045
6 Motions to Take Note of Answers ................................................................................ 4045
7 Health—Duchenne Muscular Dystrophy—Document ..................................................... 4045
8 Notices .......................................................................................................................... 4045
9 Selection of Bills—Standing Committee—Report No. 6 of 2013 ............................... 4048
10 National Capital and External Territories—Joint Standing Committee—
   Leave to Meet During Sitting ...................................................................................... 4050
11 Postponements ............................................................................................................. 4050
12 Community Affairs References Committee— Extensions of Time to Report ......... 4051
13 Legal and Constitutional Affairs References Committee—Leave to Meet
   During Sitting ................................................................................................................ 4051
14 Rural and Regional Affairs and Transport References Committee—Leave to
   Meet During Sitting ....................................................................................................... 4051
15 Rural and Regional Affairs and Transport References Committee—
   Extensions of Time to Report ....................................................................................... 4051
16 Law Enforcement—Joint Statutory Committee—Leave to Meet During
   Sitting ............................................................................................................................. 4052
17 Broadcasting Legislation—Joint Select Committee—Leave to Meet During
   Sitting ............................................................................................................................. 4052
18 Foreign Affairs, Defence and Trade—Joint Standing Committee—Leave to
   Meet During Sitting ................................................................................................. 4052
19 Public Accounts and Audit—Joint Statutory Committee—Leave to Meet
   During Sittings ............................................................................................................ 4052
20 Social Issues—Antisemitism ......................................................................................... 4053
21 Foreign Affairs—Peru .................................................................................................... 4053
22 Telecommunications Amendment (Get a Warrant) Bill 2013 ................................. 4054
23 Transport—Victoria—East West Link ........................................... 4054
24 Communications—Public Broadcasting ....................................... 4056
25 Law and Justice—Privacy Protections ........................................ 4057
26 Order of Business—Rearrangement ............................................ 4058
27 Constitution Alteration (Local Government) 2013—Consideration—
  Proposed Suspension of Standing Orders ...................................... 4058
28 Committee Membership .......................................................... 4059
29 Historical Events—ANZAC Centenary—Ministerial Statement—Document ...
30 Transport—National Road Safety Strategy—Ministerial Statement—
  Document .............................................................................. 4059
31 Auditor-General—Audit Reports Nos 46 and 47 of 2012-13—Documents ........ 4060
32 Parliamentary Zone—Capital Works Proposals—Documents ............. 4060
33 Environment and Communications Legislation Committee—Report—
  Broadcasting Services Amendment (Material of Local Significance) Bill
  2013 and the Delivery of News Coverage in Rural and Regional Areas
  by the Australian Broadcasting Corporation .................................... 4060
34 Valedictory Statements ............................................................ 4061
35 Parliamentary Service Amendment (Freedom of Information) Bill 2013 ......... 4061
36 Sex Discrimination Amendment (Sexual Orientation, Gender Identity and
  Intersex Status) Bill 2013 .......................................................... 4064
37 Adjournment ........................................................................... 4065
38 Attendance .............................................................................. 4065
MEETING OF SENATE
The Senate met at 12.30 pm. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

GOVERNMENT DOCUMENTS
The following documents were tabled:

Australian Law Reform Commission (ALRC)—Report No. 120—Access all ages: Older workers and Commonwealth laws—
Education and Care Services Ombudsman, National Education and Care Services Freedom of Information and Privacy Commissioners—Report for the period January to June 2012.
National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the Research Involving Human Embryos Act 2002 for the period 1 September 2012 to 28 February 2013.
National Health and Medical Research Council, Australian Research Council and Australian Vice-Chancellors’ Committee—National statement on ethical conduct in human research, dated March 2007—Replacement page 53.
Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 January to 31 March 2013.

Treaties—
   Multilateral—Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Rome, 22 November 2009)—Text, together with national interest analysis and annexures.

HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice, moved government business notice of motion no. 1—That, on Tuesday, 18 June 2013:
   (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7 pm to adjournment;
   (b) any proposal pursuant to standing order 75 shall not be proceeded with;
(c) consideration of government documents under standing order 57(b)(x) shall not be proceeded with;

(d) consideration of the business before the Senate shall be interrupted at 5 pm, but not so as to interrupt a senator speaking, to enable valedictory statements to be made relating to Senator Crossin;

(e) the routine of business from not later than 7 pm shall be government business only and the following government business orders of the day shall have precedence over all government business:

   (i) Parliamentary Service Amendment (Freedom of Information) Bill 2013,
   (ii) Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013, and
   (iii) Australia Council Bill 2013 and a related bill; and

(f) the question for the adjournment of the Senate shall be proposed at 10 pm.

Debate ensued.

Senator Fifield moved the following amendment:

Omit paragraphs (a), (c), (e) and (f).

Closure: Senator Collins moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

**AYES, 36**

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Question agreed to.

Question—That the amendment be agreed to—put.
The Senate divided—

AYES, 30

Senators—

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Cash
Colbeck

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Parry
Payne
Ronaldson

Ruston
Ryan
Scullion
Sinodinos
Smith
Williams (Teller)

NOES, 36

Senators—

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McLucas
Milne
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Polley (Teller)
Pratt
Rhiannon
Se Hew
Singh

Stephens
Sterle
Thistlethwaite
Thorp
Unquhart
Waters
Whish-Wilson
Wong
Wright

Question negatived.

Closure: Senator Collins moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 35

Senators—

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NOES, 30

Senators—

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Mason
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Ruston
Ryan
Scullion
Sinodinos
Smith
Williams (Teller)

Question agreed to.

Main question put.
The Senate divided—

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Question agreed to.

4 **Environment Protection and Biodiversity Conservation Amendment Bill 2013**

Order of the day read for the further consideration of the bill in committee of the whole.

In the committee

Consideration resumed of the bill—and of the amendment moved by Senator Waters:

Schedule 1, page 8 (after line 4), after item 6, insert:

**6A After section 131AB**

Insert:

131AC Minister must be satisfied that owners and occupiers of land have consented etc.

(1) This section applies to the taking of an action if a provision of Subdivision FB of Division 1 of Part 3 is a controlling provision for the action.

(2) The Minister must not approve, for the purposes of the controlling provision, the taking of the action, unless the Minister is satisfied that any owner, and any occupier, of land that would be likely to be affected by the taking of the action:

(a) has obtained independent legal advice; and

(b) has obtained independent advice in relation to the likely impacts of the taking of the action; and

(c) has freely given informed consent in relation to the taking of the action.
Debate ensued.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Bernardi) reported progress.

5 QUESTIONS
Questions without notice were answered.

6 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Cash moved—That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by Senators Cash and Cormann today relating to asylum seekers.
Debate ensued.
Question put and passed.

Senator Whish-Wilson moved—That the Senate take note of the answer given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to a question without notice asked by Senator Whish-Wilson today relating to funding under the Tasmanian Forestry Agreement.
Question put and passed.

7 HEALTH—DUCHENNE MUSCULAR DYSTROPHY—DOCUMENT
Senator Pratt, by leave, tabled the following document:

Health—Duchenne muscular dystrophy—Petitioning document from 32,049 signatories relating to Duchenne muscular dystrophy and funding for clinical trials.

Statement by leave: Senator Pratt, by leave, made a statement relating to the matter.

8 NOTICES

The Deputy Chair of the Joint Standing Committee on Treaties (Senator McKenzie): To move on the next day of sitting—That the Joint Standing Committee on Treaties be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Monday, 24 June 2013, from 10 am, followed by a public hearing. (general business notice of motion no. 1269)

Senators Bernardi and Stephens: To move on the next day of sitting—That the Senate—

(a) supports freedom of religion as a universal human right;

(b) does not support the imprisonment or persecution of individuals on the basis of their religious belief;

(c) calls on the Iranian authorities to release Pastor Saeed Abedini who was sentenced to 8 years in prison because his Christian faith and activities were deemed a national security threat by the Iranian Government;

(d) recognises that this action is a breach of Iran’s international obligations, its own constitution and stated religious values; and
(e) stands in solidarity with Pastor Abedini, his family and all those who seek to practise their religion without fear of persecution.  

Senator Smith: To move on the next day of sitting—That the Senate—
(a) recognises:

(i) the signing of the Charter of the Commonwealth by Her Majesty, Queen Elizabeth II, Queen of Australia and Head of the Commonwealth, on 11 March 2013, and

(ii) that the Charter reaffirms the core values and principles of the Commonwealth as being:
(A) democracy,
(B) human rights,
(C) international peace and security,
(D) tolerance, respect and understanding,
(E) freedom of expression,
(F) separation of powers,
(G) rule of law,
(H) good governance,
(I) sustainable development,
(J) protecting the environment,
(K) access to health, education, food and shelter,
(L) gender equality,
(M) importance of young people in the Commonwealth,
(N) recognition of the needs of small states,
(O) recognition of the needs of vulnerable states, and
(P) the role of civil society; and

(b) encourages the Australian Government to further demonstrate its support for the values contained in the Charter by working to ensure all Commonwealth nations abide by its commitments.  

Senator Rhiannon: To move on 20 June 2013—That the Senate—
(a) notes that:

(i) Oxfam Australia recently released a report titled, Grow: Getting big results from small-scale agriculture, and

(ii) the report found that:
(A) small-scale food producers play a critical role in global food production,
(B) 80 per cent of the world’s hungry people are involved in food production as small-scale producers, including small-scale farmers, fishers, forest foragers and landless labourers, and
(C) small-scale producers go hungry because they often lack access to the markets, land, financing and credit facilities, infrastructure, farmer training services, storage facilities and relevant technology enjoyed by large farms; and

(b) calls on the Australian Government to consider increasing aid to food security by 2016, and prioritising aid to small-scale food producers.  

Senator Rhiannon: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Infrastructure and Transport, by 27 June 2013, all documents relating to the production of the report, *Pollution Reduction Program 4.2 Particulate Emissions from Coal Trains*, dated May 2013, prepared for the Australian Rail Track Corporation (ARTC) by Katestone Environmental Pty Ltd, from 1 July 2012 until present, including correspondence between the ARTC and the Minister, the department, the New South Wales Environmental Protection Authority and the report consultant. *(general business notice of motion no. 1273)*

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

(a) notes that unpaid caring work being undertaken by Australian individuals is leading to inequality over the life-cycle of women and the emergence of gender-based disparity in retirement incomes; and

(b) calls on the Government to:

(i) direct the Productivity Commission to conduct an inquiry into mechanisms for recognising and valuing unpaid care which might reduce the gender gap, including, but not limited to, options and models for superannuation and tax offsets, carer’s leave, child care, aged pension supplements, and additional paid parental leave measures, and

(ii) specify that the inquiry examine the merits and feasibility of a system of ‘carer credits’ in the form of direct credits to the superannuation accounts of individuals with parent care responsibilities or carer responsibilities. *(general business notice of motion no. 1274)*

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the current visit of His Holiness the Dalai Lama to Australia, and the visit of the Speaker of the Tibetan Parliament-in-Exile, Mr Penpa Tsering, to Australia’s Parliament House, and

(ii) the ongoing tension and repressions in Tibetan regions, leading to nearly 120 deaths of Tibetans by self-immolation, and the continuing surveillance and violent crackdowns on Tibetans; and

(b) calls on the Minister for Foreign Affairs (Senator Bob Carr) to escalate diplomatic arrangements for a visit by the Australian Ambassador and an Australian parliamentary delegation to Tibetan regions for the purposes of fact-finding and observation. *(general business notice of motion no. 1275)*

Senators Moore, Williams and Cameron: To move on the next day of sitting—That the Senate—

(a) notes the concerns about the security of the residents of Camp Hurriya in Iraq which was subject to a mortar attack on 15 June 2013;

(b) recognises that individual refugee status assessments are underway in Camp Hurriya, with more than half the determinations completed to date; and

(c) urges the international community to continue to work with the United Nations High Commissioner for Refugees and the Government of Iraq on finding a durable solution for camp residents, including resettlement in third countries. *(general business notice of motion no. 1276)*

Senator Crossin: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) 2013 is the 50th anniversary of the Yirrkala bark petitions, and
(ii) these petitions were:
(A) from the Yolngu people of Yirrkala and the first documents bridging Commonwealth law as it then stood, and the Indigenous laws of the land,
(B) the first traditional documents recognised by the Commonwealth Parliament and are thus the documentary recognition of Indigenous people in Australian law,
(C) extraordinary in nature as they were the first petitions to use traditional forms and combine bark painting with text typed on paper, and
(D) painted designs proclaiming Yolngu law, depicting the traditional relations to the land and the typed text incorporating both English and Gumatj languages; and

(b) recognises:
(i) the national appreciation of this anniversary, and
(ii) that NAIDOC Week 2013 will be aptly themed ‘We value the vision: Yirrkala Bark Petitions 1963’. (general business notice of motion no. 1277)

Senator Stephens: To move 15 sitting days after today—That the Customs (Drug and Alcohol Testing) Regulation 2013, as contained in Select Legislative Instrument 2013 No. 2 and made under the Customs Administration Act 1985, be disallowed.

Senator Stephens, by leave, made a statement relating to the notice of motion.

9 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 6 OF 2013
The Chair of the Selection of Bills Committee (Senator McEwen) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 6 OF 2013

1. The committee met in private session on Monday, 17 June 2013 at 8.41 pm.
2. The committee resolved to recommend—That—
(a) the provisions of the African Development Bank Bill 2013 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 20 August 2013;
(b) the Australian Education Bill 2013 and the provisions of the Australian Education (Consequential and Transitional Provisions) Bill 2013 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 20 August 2013;
(c) the provisions of the Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 August 2013;
(d) the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 20 August 2013;
(e) the provisions of the Homelessness Bill 2013 and the Homelessness (Consequential Amendments) Bill 2013 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 25 June 2013;

(f) the provisions of the Migration Amendment (Offshore Resources Activity) Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 August 2013;

(g) the provisions of the Migration Amendment (Temporary Sponsored Visas) Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 August 2013;

(h) the Privacy Amendment (Privacy Alerts) Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 24 June 2013;

(i) the provisions of the Social Security Legislation Amendment (Public Housing Tenants’ Support) Bill 2013 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 20 August 2013; and

(j) the provisions of the Superannuation Laws Amendment (MySuper Capital Gains Tax Relief and Other Measures) Bill 2013 be referred immediately to the Economics Legislation Committee for inquiry and report by 24 June 2013.

3. The committee resolved to recommend—that the following bills not be referred to committees:
   Australian Citizenship Amendment (Special Residence Requirements) Bill 2013
   Banking Amendment (Unclaimed Money) Bill 2013
   Charities Bill 2013
   Charities (Consequential Amendments and Transitional Provisions) Bill 2013
   Competition and Consumer Amendment Bill 2013
   Constitution Alteration (Local Government) 2013
   Customs Amendment (Anti-dumping Measures) Bill 2013
   Customs Tariff (Anti-Dumping) Amendment Bill 2013
   DisabilityCare Australia Fund (Consequential Amendments) Bill 2013
   International Interests in Mobile Equipment (Cape Town Convention) Bill 2013
   International Interests in Mobile Equipment (Cape Town Convention) (Consequential Amendments) Bill 2013
   Marriage Act Amendment (Recognition of Foreign Marriages for Same-Sex Couples) Bill 2013
   Parliamentary Service Amendment (Freedom of Information) Bill 2013
   Public Interest Disclosure (Consequential Amendments) Bill 2013
   Tax and Superannuation Laws Amendment (Increased Concessional Contributions Cap and Other Measures) Bill 2013
   Superannuation (Sustaining the Superannuation Contribution Concession) Imposition Bill 2013
   Tax Laws Amendment (2013 Measures No. 1) Bill 2013
   Tax Laws Amendment (Medicare Levy) Bill 2013.
The committee recommends accordingly.

4. The committee considered the following bills and, noting that they had been referred to committees pursuant to the order of the Senate of 15 May 2013, resolved to make no recommendation:

- Australian Capital Territory Water Management Legislation Amendment Bill 2013
- Early Years Quality Fund Special Account Bill 2013
- Intellectual Property Laws Amendment Bill 2013
- Social Security Amendment (Supporting More Australians into Work) Bill 2013
- Sugar Research and Development Services Bill 2013
- Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Bill 2013

5. The committee deferred consideration of the following bills to its next meeting:

- Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2013
- Interactive Gambling Amendment (Virtual Credits) Bill 2013
- Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2013
- Social Security Legislation Amendment (Caring for People on Newstart) Bill 2013.

Anne McEwen
Chair
17 June 2013.

Senator McEwen moved—That the report be adopted.
Debate ensued.
Question put and passed.

10 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, by leave and on behalf of the Joint Standing Committee on the National Capital and External Territories, moved—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 19 June 2013, from 12.30 pm, to take evidence for the committee’s biannual review of the National Capital Authority.

Question put and passed.

11 POSTPONEMENTS

The following items of business were postponed:

- Government business notice of motion no. 2 standing in the name of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) for today, relating to the hours of meeting and routine of business for 19 June 2013, postponed till 24 June 2013.
Government business notice of motion no. 4 standing in the name of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) for today, proposing the approval of the Australian Charities and Not-for-profits Commission Amendment Regulation 2013 (No. 1), postponed till 25 June 2013.

12 COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSIONS OF TIME TO REPORT
Senator McEwen, at the request of the Chair of the Community Affairs References Committee (Senator Siewert) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1254—That the time for the presentation of reports of the Community Affairs References Committee be extended, as follows:
(a) sterilisation of people with disabilities—to 17 July 2013;
(b) impacts on health of air quality—to 12 August 2013; and
(c) care and management of dementia—to 12 August 2013.
Question put and passed.

13 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING
Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs References Committee (Senator Wright) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1255—That the Legal and Constitutional Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 19 June 2013, from 11.30 am.
Question put and passed.

14 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE— LEAVE TO MEET DURING SITTING
Senator McEwen, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1256—That the Rural and Regional Affairs and Transport References Committee be authorised to hold an in camera hearing during the sitting of the Senate on Wednesday, 19 June 2013, from noon, to take evidence for the committee’s inquiry into the Foreign Review Board national interest test.
Question put and passed.

15 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE— EXTENSIONS OF TIME TO REPORT
Senator McEwen, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1257—That the time for the presentation of the following reports of the Rural and Regional Affairs and Transport References Committee be extended to 19 July 2013:
(a) New Zealand potatoes import risk analysis;
(b) fresh pineapple imports; and
(c) fresh ginger import risk analysis.
Question put and passed.
16 **Law Enforcement—Joint Statutory Committee—Leave to Meet During Sitting**

Senator McEwen, at the request of the Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Nash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1258—That the Parliamentary Joint Committee on Law Enforcement be authorised to hold a public meeting during the sitting of the Senate on Monday, 24 June 2013, from 10 am, to take evidence for the committee’s inquiry into the spectrum for public safety mobile broadband.

Question put and passed.

17 **Broadcasting Legislation—Joint Select Committee—Leave to Meet During Sitting**

Senator McEwen, at the request of the Chair of the Joint Select Committee on Broadcasting Legislation (Senator Cameron) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1259—That the Joint Select Committee on Broadcasting Legislation be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 19 June 2013, from 3.30 pm.

Question put and passed.

18 **Foreign Affairs, Defence and Trade—Joint Standing Committee—Leave to Meet During Sitting**

Senator McEwen, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1260—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Monday, 24 June 2013, from 5.30 pm, to take evidence for the committee’s inquiry into Australia’s relationship with Timor-Leste.

Question put and passed.

19 **Public Accounts and Audit—Joint Statutory Committee—Leave to Meet During Sittings**

Senator McEwen, at the request of Senator Bishop and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1261—That the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1), followed by public hearings, during the sittings of the Senate, as follows:

(a) on Wednesday, 19 June 2013, from 11 am; and

(b) on Wednesday, 26 June 2013, from 11 am.

Question put and passed.
20 SOCIAL ISSUES—ANTISEMITISM

Senator Kroger, also on behalf of the Leader of the Opposition in the Senate (Senator Abetz) and Senators Birmingham, Payne, Ronaldson and Smith, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1262—That the Senate—

(a) notes:

(i) that although nearly 70 years have passed since the end of World War II and the Holocaust, antisemitism still exists,

(ii) the vital work of the London Declaration on Combating Antisemitism in drawing the attention of the democratic world to the resurgence of antisemitism in international affairs, politics and society, and

(iii) that more than 125 parliamentarians in over 40 countries have signed the Declaration;

(b) recognises the vast contributions made by the Jewish people to Australian society;

(c) expresses its solidarity with the Jewish people;

(d) affirms that antisemitic prejudice, rhetoric and hate campaigns, such as the Boycott, Divestments and Sanctions campaign, utterly contradict the democratic values Australian society and the Parliament hold dear; and

(e) encourages all senators, regardless of party or politics, to sign the Declaration and so assist to combat antisemitism across the globe.

Statements by leave: Senators Kroger and Siewert, by leave, made statements relating to the motion.

Question put and passed.

21 FOREIGN AFFAIRS—PERU

Senator McEwen, at the request of Senator Furner and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1264—That the Senate—

(a) recognises:

(i) the accomplishments of 50 years of fruitful diplomatic relations between Peru and Australia,

(ii) the continuing friendship between our nations, and

(iii) the contribution of Peruvian migrants in our nation building; and

(b) notes:

(i) the reopening of our Embassy in Lima in September 2010;

(ii) our shared democratic values in the context of a strong commitment to transparency, well-established policy credibility and good governance structure and quality of institutions,

(iii) our mutual emphasis on multilateral involvement exemplified by Peru’s membership of the United Nations, World Trade Organization (WTO), Organization of American States, Asia-Pacific Economic Cooperation (APEC), Community of Latin American and Caribbean States, Pacific Alliance, and Forum for East Asia and Latin American Cooperation,
(iv) the roles of Dr Herbert Vere Evatt and former United Nations Secretary-General Javier Pérez de Cuéllar point to our mutual activity,
(v) our similar activity on the free trade front and common membership of the Cairns Group, WTO and APEC,
(vi) the visits to Peru by former Prime Minister, Mr Gough Whitlam, in 1975 and former Prime Minister, Mr Kevin Rudd, in 2008 and the visit of former President Alan Garcia Pérez to Australia in 2007,
(vii) the November 2011 framework to promote Bilateral Consultations and Cooperation,
(viii) the presence at the 2011 census of 8,441 Peruvian-born citizens in Australia and attraction of Peru to Australian visitors totalling 30,000 in 2011, and
(ix) the longstanding Australian mining endeavours in Peru, the growth of Peruvian student numbers in Australia and 56 Australian companies having an office in Peru or investment in a Peruvian project.

Question put and passed.

22 TELECOMMUNICATIONS AMENDMENT (GET A WARRANT) BILL 2013

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1268—That the following bill be introduced:

A Bill for an Act to amend the Telecommunications (Interception and Access) Act 1979, and for related purposes.

Question put and passed.

Senator Ludlam presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Ludlam moved—That this bill be now read a second time.

Explanatory memorandum: Senator Ludlam, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Ludlam in continuation.

23 TRANSPORT—VICTORIA—EAST WEST LINK

Senator Kroger, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1263—That the Senate—

(a) notes that:

(i) Melbourne is suffering from a traffic congestion problem across the city and particularly on the Eastern Freeway and the Monash-CityLink-West Gate corridor,
(ii) without better infrastructure, this problem will worsen as Melbourne is experiencing the largest growth of all capital cities,

(iii) by 2020 it is estimated by the Bureau of Transport and Regional Economics that the cost of traffic congestion in Melbourne will be $6.1 billion, double what it is today, and

(iv) as well as being an economic cost, congestion impacts on quality of life, including time spent with family;

(b) recognises that:

(i) the Victorian Government has proposed the development of an East West Link which would provide an alternate route across the city by connecting the Eastern Freeway with the Western Ring Road,

(ii) this East West Link would have significant benefits for Melbourne and Australia, as it would:

(A) relieve bottle necks on the Eastern, Monash and West Gate Freeways and provide an alternative to the West Gate Bridge,

(B) improve freight efficiency by catering for growth at the ports of Melbourne and Hastings and increase productivity by improving travel time reliability for freight,

(c) enhance Victoria’s competitive advantage globally, improve the key industry centres and support the knowledge precinct in Carlton and Parkville,

(D) complete missing links between freeways to alleviate congestion and ensure travel time reliability for families and freight, and

(E) reduce travel times, particularly for residents in Melbourne’s east and west who travel to Melbourne to work, and

(iii) the Federal Coalition has committed $1.5 billion towards the construction of the East West Link; and

(c) calls on the Australian Government to match the commitment of the Federal Coalition towards the construction of the East West link as a vital piece of economic infrastructure for Melbourne.

Question put.
The Senate divided—

AYES, 32

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NOES, 37

Senators—

Bilyk  Faulkner  McEwen (Teller)  Sterle
Bishop  Feeney  McLucas  Thistlethwaite
Brown  Furner  Milne  Thorp
Cameron  Gallacher  Moore  Urquhart
Carr, Bob  Hanson-Young  Polley  Waters
Carr, Kim  Lines  Pratt  Whish-Wilson
Collins  Ludlam  Rhiannon  Wright
Crossin  Ludwig  Siewert
Di Natale  Lundy  Singh
Farrell  Marshall  Stephens

Question negatived.

Statement by leave: Senator Kroger, by leave, made a statement relating to the motion.

24 COMMUNICATIONS—PUBLIC BROADCASTING

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1267—That the Senate—

(a) notes:

(i) 80 per cent of Australians surveyed believe the Australian Broadcasting Corporation (ABC) is balanced and even-handed when reporting news and current affairs and 83 per cent of Australians regard the ABC to be distinctively Australian and contributing to Australia’s national identity,

(ii) the motion put to the Victorian Liberal Party Council conference on 25 May and 26 May 2013 by the Warragul branch, urging an examination of the feasibility of partial or full privatisation of the ABC and Special Broadcasting Service (SBS) was deferred to the next conference, and

(iii) that the ABC and SBS are vital public news, information, education and entertainment services for the benefit of citizens and audiences rather than advertisers and shareholders; and

(b) calls on:

(i) the Liberal Party to categorically reject the motion put by Warragul branch, and

(ii) all parties to commit to maintaining the ABC and SBS as properly funded public broadcasters with independent boards free from political interference.

Statements by leave: Senators Fifield and Ludlam, by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 35

Senators—

Bilyk  
Bishop  
Brown  
Cameron  
Carr, Bob  
Carr, Kim  
Collins  
Crossin  
Di Natale  
Farrell  
Feeney  
Furner  
Gallacher  
Ludlam  
Marshall  
McEwen  
McLucas  
Milne  
Moore  
Lines  
Ludwig  
Ludwig and Justice—Privacy Protections

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1266—That the Senate—

(a) notes:

(i) revelations that the PRISM program has been used by the United States of America’s National Security Agency to conduct warrantless real time surveillance via the servers of nine companies, including Apple, Microsoft, Google and Facebook,

(ii) recent reports suggesting that Australian agencies are receiving information through the PRISM program to access emails, audio and video chats, photographs, documents, connection logs and location data of Australians, and

(iii) that strong concerns have been expressed by the United Kingdom’s Intelligence and Security Committee, Canada’s Privacy Commissioner, Jennifer Stoddart, and the German Minister of Justice, Sabine Leutheusser-Schnarrenberger; and

(b) calls on the Attorney-General (Mr Dreyfus) to table in Parliament a ministerial statement of explanation before Thursday, 20 June 2013 on the vulnerability of Australian legislated privacy protections and government information to PRISM.

Statement by leave: Senator Ludlam, by leave, made a statement relating to the motion.

Question put.
The Senate divided—

**AYES, 10**

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**NOES, 48**

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Question negatived.

26 **ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), moved—That government business notice of motion no. 3 standing in her name for today, relating to the consideration of legislation, be postponed till the next day of sitting.

Question put and passed.

27 **CONSTITUTION ALTERATION (LOCAL GOVERNMENT) 2013—CONSIDERATION—PROPOSED SUSPENSION OF STANDING ORDERS**

*Leave refused*: The Leader of the Opposition in the Senate (Senator Abetz) sought leave to move a motion relating to the consideration of the Constitution Alteration (Local Government) 2013.

An objection was raised and leave was not granted.

Senator Abetz, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to the consideration of the Constitution Alteration (Local Government) 2013.

Debate ensued.

Question put.
The Senate divided—

AYES, 31

Senators—

Abetz
Back
Bernardi
Birmingham
Boswell
Boyce
Brandis
Bushman
Cash
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Humphries
Johnston
Macdonald
Madigan
Mason
McKenzie
Parry
Payne
Ronaldson
Ruston
Ryan
Scullion
Sinodinos
Smith
Williams (Teller)

NOES, 37

Senators—

Bilyk
Bishop
Brown (Teller)
Carr, Bob
Carr, Kim
Collins
Crossin
Di Natale
Farrell
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Lines
Ladlam
Marshall
McEwen
McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Siewert
Singh
Stephens
Sterle
Thistlethwaite
Thorp
Unsworth
Whish-Wilson
Wright
Xenophon

Question negatived.

28 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Marshall) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Parliamentary Secretary for Pacific Island Affairs (Senator Thistlethwaite), by leave, moved—That senators be appointed to committees as follows:

DisabilityCare Australia—Joint Select Committee—
Appointed—Senators Lines, Siewert, Stephens and Urquhart

Education, Employment and Workplace Relations Legislation Committee—
Appointed—
Substitute member: Senator Wright to replace Senator Rhiannon for the committee’s inquiry into the Australian Education Bill 2013 and the provisions of the Australian Education (Consequential and Transitional Provisions) Bill 2013
Participating member: Senator Rhiannon.

Question put and passed.

29 HISTORICAL EVENTS—ANZAC CENTENARY—MINISTERIAL STATEMENT—DOCUMENT

The Parliamentary Secretary for Pacific Island Affairs (Senator Thistlethwaite) tabled the following document:

Historical events—Planning for the ANZAC Centenary 2014 to 2018—Ministerial statement by the Minister Assisting the Prime Minister on the Centenary of ANZAC (Mr Snowdon).
30 Transport—National Road Safety Strategy—Ministerial Statement—Document

The Parliamentary Secretary for Pacific Island Affairs (Senator Thistlethwaite) tabled the following document:

Transport—Progress of the National Road Safety Strategy—Ministerial statement by the Minister for Road Safety (Ms King), dated 17 June 2013.

31 Auditor-General—Audit Reports Nos 46 and 47 of 2012-13—Documents

The Acting Deputy President (Senator Marshall) tabled the following documents:

Auditor-General—Audit reports for 2012-13—

No. 46—Performance audit—Compensating F-111 fuel tank workers: Department of Veterans’ Affairs; Department of Defence.

No. 47—Performance audit—AUSTRAC’s administration of its financial intelligence function: Australian Transaction Reports and Analysis Centre (AUSTRAC).

32 Parliamentary Zone—Capital Works Proposals—Documents

The Parliamentary Secretary for Pacific Island Affairs (Senator Thistlethwaite) tabled the following documents:

Parliament Act—Parliamentary Zone—Proposals, together with supporting documentation, relating to—

Installation of pay parking infrastructure.

Relocation of the Torsional Wave outdoor exhibit.

Notice of motion: Senator Thistlethwaite, by leave, gave a notice of motion as follows: To move on 20 June 2013—that, in accordance with section 5 of the Parliament Act 1974, the Senate approves the following proposals by the National Capital Authority for capital works within the Parliamentary Zone:

(a) the installation of pay parking infrastructure; and

(b) the relocation of the Torsional Wave outdoor exhibit.

33 Environment and Communications Legislation Committee—Report—Broadcasting Services Amendment (Material of Local Significance) Bill 2013 and the Delivery of News Coverage in Rural and Regional Areas by the Australian Broadcasting Corporation

Senator Brown, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Cameron), tabled the following report and documents:

Environment and Communications Legislation Committee—Broadcasting Services Amendment (Material of Local Significance) Bill 2013—Report, dated June 2013, Hansard record of proceedings, additional information and submissions.

Report ordered to be printed on the motion of Senator Brown.

Senator Ruston, by leave, moved—that the Senate take note of the report.

Debate ensued.

Question put and passed.
At 5 pm—

34 Valedictory Statements

Pursuant to order (see entry no. 3), senators made statements relating to the retirement of Senator Crossin.

35 Parliamentary Service Amendment (Freedom of Information) Bill 2013

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill taken as a whole by leave.

Senator Rhiannon moved the following amendment:

Schedule 1, page 3 (lines 1 to 26), omit the Schedule, substitute:

Schedule 1—Amendments

Freedom of Information Act 1982

1 After section 6A

Insert:

6B Department of the House of Representatives, Department of the Senate and Department of Parliamentary Services

(1) This Act does not apply to any request for access to a document of the Department of the House of Representatives, the Department of the Senate or the Department of Parliamentary Services unless the document relates to matters of an administrative nature.

(2) For the avoidance of doubt, the reference to a document of an administrative nature in subsection (1) includes a document to the extent that is:

(a) statistical information about the activities of the Department; or
(b) information about the expenditure of public moneys; or
(c) information about payments to a Senator or member of the House of Representatives; or
(d) information about services and facilities provided to a Senator or member of the House of Representatives; or
(e) information about assets, resources, support systems and other administrative matters of the Department.

(3) For the avoidance of doubt, the reference to a document of an administrative nature in subsection (1) does not include a document to the extent that it is:

(a) research or advice provided to a Senator or member of the House of Representatives; or
(b) information held on behalf of a Senator or member of the House of Representatives; or
(c) information about how a Senator or member of the House of Representatives performs their role as a Senator or member of the House of Representatives; or
(d) any advice provided to a Senator or member of the House of Representatives; or
(e) information that is otherwise subject to parliamentary privilege.

(4) For the avoidance of doubt, nothing in this section limits or infringes the powers, privileges and immunities of the Houses of the Parliament.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 11

Senators—

Di Natale
Hanson-Young
Ludlam

Madigan
Milne
Rhiannon

Siewert (Teller)
Waters
Whish-Wilson

Wright
Xenophon

NOES, 30

Senators—

Back
Bilyk
Brown
Bushby
Cameron
Colbeck
Collins
Conroy

Edwards
Faulkner
Gallacher
Hogg
Humphries
Lines
McEwen
McKenzire

McLucas
Moore
Parry
Payne
Polley
Pratt
Ruston
Ryan

Singh
Smith
Stephens
Sterle
Thistlethwaite
Williams (Teller)

Question negatived.

Senator Rhiannon moved the following amendment:

Schedule 1, page 3 (lines 1 to 26), omit the Schedule, substitute:

Schedule 1—Amendments

Freedom of Information Act 1982

6B Department of the House of Representatives, Department of the Senate and Department of Parliamentary Services

1 After section 6A

Insert:

(1) This Act does not apply to any request for access to a document of the Department of the House of Representatives, the Department of the Senate or the Department of Parliamentary Services unless the document relates to matters of an administrative nature.

(2) For the avoidance of doubt, the reference to a document of an administrative nature in subsection (1) does not include research or advice provided to a Senator or a member of the House of Representatives by the Parliamentary Library.
(3) For the avoidance of doubt, nothing in this section limits or infringes the powers, privileges and immunities of the Houses of the Parliament.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 11

Senators—
Di Natale  Madigan  Siewert (Teller)  Wright
Hanson-Young  Milne  Waters  Xenophon
Ludlam  Rhiannon  Whish-Wilson

NOES, 29

Senators—
Bishop  Heffernan  Moore  Singh
Brandis  Hogg  Nash  Smith
Brown  Humphries  Parry  Stephens
Cameron  Lines  Payne  Sterle
Colbeck  Macdonald  Pratt  Williams (Teller)
Conroy  McEwen  Ruston
Edwards  McKenzie  Ryan
Gallacher  McLucas  Scullion

Question negatived.

Senator Rhiannon moved the following amendment:

Page 3 (after line 26), at the end of the bill, add:

Schedule 2—Further amendments

Parliamentary Allowances Act 1952

1 Section 4

Omit “There are payable”, substitute “(1) Subject to subsection (2), there are payable”.

2 At the end of section 4

Add:

(2) A member is only entitled to allowances if:
(a) the member includes a link to the Department of Finance and Deregulation website in their biographical details on the Australian Parliament website; and
(b) the link directs the user to the individual expenditure report of that member.

Note: In 2013, the Australian Parliament website is located at www.aph.gov.au.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 11

Senators—
Di Natale  Madigan  Siewert (Teller)  Wright
Hanson-Young  Milne  Waters  Xenophon
Ludlam  Rhiannon  Whish-Wilson
NOES, 25

Senators—

Brandis
Brown
Cameron
Colbeck
Conroy
Gallacher
Hogg

Humphries
Lines
McKenzie
McLucas
Moore
Nash
Parry

Payne
Pratt
Ruston
Ryan
Scullion
Singh
Smith

Stephens
Sterle
Urquhart
Williams (Teller)

Question negatived.
Bill agreed to.
Bill to be reported without amendment.

The President resumed the chair and the Chair of Committees (Senator Parry) reported accordingly.

On the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) the report from the committee was adopted.

Senator Conroy moved—That this bill be now read a third time.

Question put.
The Senate divided—

AYES, 26

Senators—

Back
Brandis
Brown (Teller)
Cameron
Colbeck
Conroy
Feeeney

Gallacher
Hogg
Humphries
Lines
McKenzie
McLucas
Moore

Nash
Parry
Payne
Pratt
Ruston
Ryan
Singh

Smith
Sterle
Thorp
Urquhart
Williams

NOES, 11

Senators—

Di Natale
Hanson-Young
Ludlam

Madigan
Milne
Rhiannon

Siewert (Teller)
Waters
Whish-Wilson

Wright
Xenophon

Question agreed to.
Bill read a third time.

36 SEX DISCRIMINATION AMENDMENT (SEXUAL ORIENTATION, GENDER IDENTITY AND INTERSEX STATUS) BILL 2013

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins)—That this bill be now read a second time.

Debate resumed.
Senator Wright moved the following amendment:
At the end of the motion, add “but while the Senate does not decline to pass the bill, it notes:
(a) that it is intended to replace the Human Rights and Anti-Discrimination Bill 2012, and that, despite three successive Attorneys-General committing to streamline and modernise anti-discrimination and human rights law via that instrument, this bill shows that this Government has no intention to do so;
(b) this bill’s preservation of sections 37 and 38 of the Sex Discrimination Act 1984, and indeed its extension of these exemptions for religious bodies to discriminate on the grounds of newly protected attributes, represents another missed opportunity;
(c) that not only has this Government declined to modernise federal anti-discrimination laws generally, it has also declined to address some of the most pronounced cases where an organisation can deny a person’s human right to freedom from discrimination; and
(d) the Government’s statement that the Commonwealth legislation is not intended to cover the field with respect to jurisdictions with more advanced anti-discrimination law, and that it intends for state protections from discrimination to operate concurrently with the federal law”.

Debate ensued.

At 10 pm: Debate was interrupted while Senator Birmingham was speaking.

37 ADJOURNMENT
The Acting Deputy President (Senator Fawcett) proposed the question—That the Senate do now adjourn.
Debate ensued.

The Senate continued to sit till midnight—
WEDNESDAY, 19 JUNE 2013 AM

Debate continued.
The Senate adjourned at 12.21 am till Wednesday, 19 June 2013 at 9.30 am.

38 ATTENDANCE
Present, all senators.

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate